

ELECTIONS

TIME OFF TO VOTE:

The 1991 State Statute, Chapter 204C.04, entitled, Employees: Time Off to Vote, which allows an employee to take time off to vote, applies only to the morning of the day of a state or federal election. In 1991, the State of Minnesota expanded the definition of election to include primary elections. Those provisions do not apply to a local election. In this case, employees must use compensatory or vacation time to vote if voting during normal work hours.

The following is text of State Statute, Chapter 204B.195, entitled, Time Off to Vote:

“Subdivision 1. Right to be absent. Every employee who is eligible to vote in an election has the right to be absent from work for the purpose of voting during the **morning** of the day of that election, without penalty or deduction from salary or wages, because of the absence. An employee or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee.

Subdivision 2. Elections covered. For purposes of this section, “election” means a regularly scheduled state primary or general election, and election to fill a vacancy in the office of United States senator or United States representative, or a presidential primary as described in section 207A.01 unless it is conducted by mail.

Subdivision 3. Penalty. A person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation.”

SERVING AS AN ELECTION JUDGE:

Election judges are considered employees of Ramsey County (or whatever county the employee is appointed in). In August of 2000, \$7.00 was the hourly rate in Ramsey County for regular election judges and \$8.75 for head judges (formerly called chairpersons). Judges are also paid to attend training. This payment is taxable. Election judge pay is not a stipend, it is an actual wage. Therefore, the City cannot accept the return of the Ramsey County employee check received for being a judge as the City does with those received for performing jury duty.

The employee has two options:

- (1.) They can take vacation for the hours they act as an election judge and keep the County check; or
- (2.) They can notify payroll of their hourly wage for being an election judge. Payroll must make a copy of the pay stub showing gross pay, etc. The City will pay the employee their regular City wages for any time spent being an election judge during their normal working hours. A negative pay adjustment is also done in the amount of their normal work hours times the hourly wage paid by the county for being an election judge per state statute. For example, if the county wage is \$7.00 per hour and the employee normally works an 8 hour day, the negative adjustment would be \$56.00 (code N). If he/she normally worked a 10 hour day, the adjustment would be \$70.00. Any amount however paid for training, etc. that the employee did on their own time is not deducted.

The following is text of State Statute, Chapter 204B.195, entitled, Time Off From Work to Serve as an Election Judge:

“Any individual who is selected to serve as an election judge pursuant to section 204B.21, subdivision 2 may, after giving an employer at least twenty (20) days’ written notice, be absent from a place of work for the purpose of serving as an election judge without penalty. An employer may reduce the salary or wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the same time the employee was absent from the place of employment.

The written request to be absent from work must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the number of hours during which the employee will serve. An employer may restrict the number of persons to be absent from work for the purpose of serving as an election judge to no more than twenty (20) percent of the total work force at any single work site.”

IF YOU HAVE ANY FURTHER QUESTIONS REGARDING THIS POLICY, PLEASE CONTACT:

The payroll person in your department

or

Human Resources
(651) 266-6500